

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	1991.03
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	January 17, 2003
DATE OF REPORT:	February 14, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	March 3, 2003

**COMPLAINT ISSUES:**

Whether the University Schools and the Burris Laboratory School violated:

511 IAC 7-27-5(c) by failing to provide the parent with a copy of the written report of the case conference committee (CCC) meeting within ten business days after the date of the CCC meeting.

511 IAC 7-27-4(c) by unilaterally developing the student's individualized education plan (IEP) outside of the CCC.

511 IAC 7-27-3(d) by failing to ensure that the general education teacher participated in the development, review, and the revision of a student's IEP.

511 IAC 7-27-7(a) by failing to implement the student's IEP, specifically, failing to provide identified modifications and accommodations listed in the IEP.

511 IAC 7-17-8 by failing to develop a behavioral intervention plan based on information gathered through a functional behavioral assessment (FBA).

**FINDINGS OF FACT:**

1. The Student is 14 years old, attends the local high school (School), and is eligible for special education and related services as a student with an autism spectrum disorder and a communication disorder. During the course of the investigation, the Parent withdrew the Student from School.
2. The Parent requested that the TOR mail a copy of the written report from the December 4, 2002, CCC meeting; however, the TOR inadvertently mailed the report to the wrong address. The Parent did not receive the written report until January 14, 2003. The ten-business day timeline elapsed on December 17, 2002. The Parent stated that she received the CCC Report/IEP, but not the minutes of the CCC. The TOR reported that the December 4, 2002, CCC minutes were included.
3. The Parent's advocate alleged that the goals and objectives were unilaterally developed for the December 4, 2002, IEP. The Principal, as the school representative, allotted the School and the Parent thirty minutes each to discuss concerns related to the Student's educational program. The TOR explained to the CCC participants that she would take the information discussed by the School and the Parent and draft goals and objectives. In the past, the TOR stated that the Parent would then review

the CCC Report/IEP for any corrections before signing it. The Parent has not signed the CCC Report/IEP pending the Consultant's review.

- 4 The CCC Report documents that four general education teachers (teachers) and the school counselor were in attendance at the December 4, 2002, CCC meeting. The School states that the teachers were not present for the entire CCC meeting. The school counselor remained for the entire CCC meeting.
- 5 The Parent sent e-mails to the Principal dated November 1, and December 16, 2002, regarding the Student's missing classroom assignments. A list of accommodations dated September 24, 2002, included the following statement: "Missing or late assignments may be handed in late for full credit. The amount of extended time will be determined through the collaboration of the classroom teacher and the resource teachers." The TOR acknowledged that occasionally an assignment might not have been included in the Student's assignment book due to involvement with other students in the classroom. The TOR did not state whether the assignments were entered into the Student's assignment notebook at another time.
- 6 The School conducted an FBA through classroom observations, and discussed the results at the December 4, 2002, CCC meeting. The School and the autism waiver behavior specialist, who works with the Student in the home, agreed to implement the BIP used at home in the school setting. The BIP dated December 13, 2002, states: "Plan to follow what is used at home with the [behavior specialist]."

## **CONCLUSIONS:**

1. Finding of Fact #2 indicates that the Parent did not receive a copy of the CCC Report/IEP dated December 4, 2002, before the ten-business day timeline elapsed on December 17, 2002. The Parent has not received the CCC minutes from the December 4, 2002, CCC meeting. Therefore, a violation of 511 IAC 7-27-5(c) is found.
2. Finding of Fact #3 indicates, according to the CCC Report dated December 4, 2002, that the TOR did take the CCC meeting information presented by the School and the Parent and drafted goals and objectives to be reviewed by the Parent. Therefore, a violation of 511 IAC 7-27-4(c) is not found.
3. Finding of Fact #4 establishes that four general education teachers and the school counselor attended the CCC meeting convened on December 4, 2002; however, the general education teachers did not stay for the entire conference. One general education teacher is required to be present at case conference committee meetings to participate in the development, review, and revision of a student's IEP, including determining positive behavioral interventions and strategies, supports, and program modifications. Therefore, a violation of 511 IAC 7-27-3(d) is found.
4. Finding of Fact #5 establishes that TOR acknowledged that assignments for the Student might have been inadvertently omitted from the Student's assignment notebook, and documentation was submitted to prove otherwise. Therefore, a violation of 511 IAC 7-27-7(a) is found.
5. Finding of Fact #6 establishes that the School conducted an FBA and presented it to the CCC meeting on December 4, 2002, and on December 13, agreed to implement the behavior plan followed at home. Therefore, a violation of 511 IAC 7-17-8 is not found.

**The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

The University Schools and the Burris Laboratory School shall:

1. Mail the Parent a copy of the entire CCC Report/IEP dated December 4, 2002 by certified mail. **A copy of the receipt shall be submitted to the Division no later than February 28, 2003.**
2. Write a letter of assurance stating that:
  - a. Parents will be given a copy of the written report within ten days of any CCC meeting.
  - b. One of the student's general education teachers must be in attendance during the CCC meeting in order to help develop the Student's IEP and/or the BIP. **A copy of the assurance letter must be submitted to the Division no later than February 21, 2003.**
3. Prepare a memorandum reflecting the contents of the assurance letter to be provided to school administrators and TORs. **A copy of the memorandum, and a list of individuals receiving the memorandum, including signature and title, must be submitted to the Division no later than February 28, 2003.**
4. Prepare a memorandum stating that modifications and accommodations included in a student's IEP must be implemented as written. Copies of the memorandum shall be given to principals and TORs. **A copy of the memorandum, and a list of individuals receiving the memorandum, including signature and title, must be submitted to the division no later than February 28, 2003.**